

CUSTOMER NO.: 24498
Serial No.: 10/761,512

PATENT
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REMARKS

Claims 1-13 and 15-18 are pending. Claims 1, 13, and 16 has been amended. New Claims 17 and 18 have been added. No new matter is believed to be added by the present amendment.

Claim 16 has been objected to because of informalities. Claim 16 has been amended to now recite "Digital terminal according to claim 13". Withdrawal of the objection is respectfully requested.

Claims 1-6, 10, 13, and 15-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2005/0022227 to Shen et al. (hereinafter "Shen") in view of U.S. Patent No. 5,861,906 to Dunn et al. (hereinafter "Dunn"). Claims 7, 11, and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shen in view of Dunn in further view of U.S. Patent No. 6,904,522 to Benardeau et al. (hereinafter "Benardeau"). Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Shen in view of Dunn in further view of U.S. Patent Publication No. 2006/0100417 to Stefik et al. (hereinafter "Stefik"). Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Shen in view of Dunn in further view of U.S. Patent Publication No. 2001/0037506 to Garfinkle (hereinafter "Garfinkle").

As noted above, Claims 1 and 13 have been amended. Support for the amendments may be found, for example, on figure 1 and page 5, lines 27-28 of the Applicants' specification.

Claim 1 has been amended to recite:

System for receiving broadcast digital data ...

a master digital terminal and at least one slave digital terminal adapted to generally simultaneously receive protected digital data from a transmitter,
the at least one slave digital terminal being connected to the master terminal by a link,
wherein said slave digital terminal can access said received protected digital data only if information necessary for accessing said protected digital data and received by the master digital terminal is sent by way of said link to the slave digital terminal within a predetermined deadline. (emphasis added)

Applicants submit that nowhere does the combination of Shen and Dunn teach or suggest all of the features of amended claim 1, particularly the above emphasized portions of claim 1.

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Shen teaches a system in which a plurality of devices are organized into at least one domain in which the devices share the authorization for an item of content (para. 0032-34). The access controlled content on a device in the domain may be transferred and consumed at any other device in the same domain (see e.g., Fig. 7).

Dunn teaches an on-line video rental service, in which a user may order a video that will be made available to him until a certain time (e.g., for the next 48 hours). If the user decides to access the video before the end of the time, it will be delivered to the user. If on the other hand, the time elapses before the user requests the video, the video will not be delivered.

As admitted by the Examiner, "Shen does not explicitly teach that said information necessary for accessing said protected data has to be sent within a predetermined deadline" (Office Action, p. 3). The Office Action seeks to overcome this defect using Dunn and asserts that Dunn teaches "... an interactive entertainment network system where a headend will transmit rented video content program to a user for a predetermined period of time. Only during this predetermined accessing time, the user can make use of the received content (col. 11 lines 37-67; col. 13 lines 39-44)" (Office Action, pp. 3-4).

However, applicants submit that the suggested combination of Shen and Dunn would still fail to teach or suggest each and every limitation of amended claim 1. The combination of Shen and Dunn would result in a system having a plurality of devices, wherein protected content is accessed from a particular device in a domain of devices, but only if the transfer is requested and performed before a time limit expires.

The suggested combination still fails to disclose or suggest that the master digital terminal and the at least one slave digital terminal are both adapted to receive the protected digital data. Rather, in the suggested combination the data is first received by one terminal and then transferred to another terminal. On the other hand, if one were to adapt Shen to have both devices receive the content, then there would be no reason to transfer the information necessary to access the content, as both devices would already have access to that information.

Further, applicants submit that it would not be reasonable to adapt Dunn to have both devices receive the content, as the cited portions of Dunn relate to a set top box and a head end, thus implying that the STB and head-end of Dunn correspond to the two digital terminals recited in amended Claim 1. However, a head-end corresponds to the transmission of data, and would not be found, for example, in a system for receiving broadcast digital data as recited in Claim 1, but instead in a system for transmitting broadcast digital data. While the head-end would be found in an overall transmission and reception system, the head-end would be found at the

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transmission end, the opposing end with respect to the terminals recited in amended Claim 1, which would be at the receiving end. For example, as disclosed at column 13, line 38 of Dunn, "[t]he headend transmits the program in its entirety". Accordingly, it is respectfully asserted that that the head end disclosed by Dunn does not correspond to any of the digital terminals recited in amended Claim 1.

Given the essentially opposing functions of a head-end (as disclosed in Dunn and as are generally known to those of ordinary skill in this and related arts) versus a digital terminal as recited in amended Claim 1, that is encoding and transmitting data versus receiving and decoding data, a substitution of the head-end of Dunn with a digital terminal as per Shen and/or amended Claim 1 would be unreasonable and impractical.

Accordingly, none of the cited references, either taken singly or in any combination, teach or suggest each and every limitation of amended claim 1. Claim 13 has been amended to recite the features of amended claim 1 in method form and as such is believed to be patentably distinguishable over the cited combination for at least the same reasons as above with respect to amended claim 1.

Claims 2-12 and 15 depend from Claim 1 or a claim which itself is dependent from Claim 1 and, thus, includes all the elements of Claim 1. Claim 16 depends from Claim 13 or a claim which itself is dependent from Claim 13 and, thus, includes all the elements of Claim 13. Accordingly, Claims 2-12 and 15 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to Claim 1, and Claim 16 is patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to Claim 13.

Thus, reconsideration of the rejections is respectfully requested.

As noted above, new Claims 17 and 18 have been added. Support for Claims 17 and 18 may be found at least at figure 1 and the corresponding text of the Applicants' specification.

Claim 17 depends from Claim 1 and, thus, includes all the elements of Claim 1. Claim 18 depends from Claim 13 and, thus, includes all the elements of Claim 13. Accordingly, Claims 17 and 18 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to Claims 1 and 13, respectively.

Moreover, Claims 17 and 18 include patentable subject matter in and of themselves and are, thus, patentably distinct and non-obvious over the cited references in their own right. For example, none of the cited references, either taken singly or in any combination, teach or suggest

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"wherein the protected digital data is received via another link", as recited in Claims 17 and 18. For example, Dunn discloses a common, single link to each STB (see, e.g., FIG. 1 of Dunn).

Regarding the rejection of claims 7, 8, 9, 11, and 12 under 35 USC 103(a) over Shen in view of Dunn and in further view of Benardeau, Stefik, or Garfinkle, applicants submit that these references still fail to cure the defect of Shen and Dunn as applied to amended claim 1. Therefore, even assuming arguendo that Benardeau, Stefik, and Garfinkle teach the features alleged by the Office Action, applicants submit that claims 7, 8, 9, 11 and 12, which depend from amended claim 1, are patentably distinguishable over the cited combination of Shen and Dunn, and further in view of Benardeau, Stefik, or Garfinkle.


In view of the foregoing, Applicants respectfully request that the rejection of the claims set forth in the Office Action of April 23, 2007 be withdrawn, that pending claims 1-13 and 15-18 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

No fee is believed due with regard to the filing of this amendment. However, if a fee is due, please charge Deposit Account No. 07-0832.

Respectfully submitted,

Philippe Leyendecker et al.

By:


Paul Kiel,
Attorney for Applicants
Registration No. 40,677
(609) 734-6815

Date:

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Patent Operations
Thomson Licensing LLC
P.O. Box 5312
Princeton, NJ 08543-5312